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**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

68144/P014CP1/10502151

In re Application of: Xiaodong Li et al.

Application No.: 09/837,701-Conf. #9152

Filed: April 17, 2001

For: **MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE CLUSTER CONFIGURATION AND
SWITCHING**

The owner*, Adaptix, Inc., of 100%
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of
any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any
patent granted on pending reference Application Number 09/837,337, filed on April 17, 2001,
as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may
be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner
hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it
and the patent granted on the reference application are commonly owned. This agreement runs with any patent granted on
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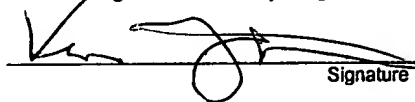
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granted on said reference application, "as the term of any patent granted on said reference application may be shortened by
any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such
patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is
found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR
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Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency,
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on
information and belief are believed to be true; and further that these statements were made with the knowledge that willful false
statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United
States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No. _____


Signature

4/6/2005
Date

Vernon Fotheringham, President & CEO
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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